IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27697 of 2007(V)

PETITIONER:

C.A.HAMZA,S/O. AYMULLA, AGED 58,
CHATHANDAKATHOOTTU HOUSE, KAIPRA,
SREEMOOLANAGARAM P.O., LAUVA, ERNAKULAM DISTRICT,
RETIRED CONDUCTOR, KSRTC DEPORT, PERUMBAVOOR)

BY ADV. SRI.K.S.AJAYAGHOSH

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM REP. BY ITS MANAGING DIRECTOR.

2. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE,TRANSPORT BHAVAN,
THIRUVANANTHAPURAM

3. STATE OF KERALA REPRESENTED BY ITS
SECRETARY TO GOVERNMENT
DEPARTMENT OF TRANSPORT,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM.

R1 & R2 BY SC SRI.JOHNSON P. JOHN.
R3 BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 27697 of 2007

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Dated this the 18th day of September, 2007

JUDGMENT

Petitioner has approached this court seeking the benefit of the judgment of this court in **Idicula Abraham V. K.S.R.T.C.** (2005(2) K.L.J. 602). According to the petitioner, he was working from 1979 as a provisional hand and he was subsequently regularised. According to him he is entitled to count this period for the purpose of increments and pensionary benefits. Complaint is that provisional service is not being counted for pensionary benefits. Petitioner seeks to count provisional service along with regular service for granting pension and pensionary benefits. He further seeks a direction to disburse all the pensionary benefits including monthly pension, Commuted Value of Pension and DCRG by reckoning the provisional service rendered by the petitioner in the Corporation along with his regular service. Petitioner retired on 31.10.2004.

2. I heard learned Standing Counsel also. Petitioner has relied on Ext.P7 judgment of this court.

The writ petition is allowed and there will be a declaration that the petitioner is entitled to count his provisional service rendered by him along with his regular service for the purpose of quantifying pension and pensionary benefits. Any amount payable as arrears also will be paid to the petitioner within a period of two months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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